

that the label statements "Net weight 8 oz." and "Net 8 oz." were false and misleading as applied to articles that were short-weight and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

**4732. Adulteration of ice cream cones. U. S. v. 8 Cartons of Ice Cream Cones (and 3 additional seizure actions against ice cream cones.) Default decrees of condemnation and destruction.** (F. D. C. Nos. 9198, 9199, 9394, 9395. Sample Nos. 9930-F, 9931-F, 28465-F, 28467-F, 28685-F, 28686-F.)

This product contained rodent hairs, insect fragments, hair fragments resembling rodent or cat hairs, larvae, and weevils.

Between January 18 and February 20, 1943, the United States attorneys for the Southern District of Florida, the Eastern District of Louisiana, and the Middle District of North Carolina filed libels against 30 cases of ice cream cones at Jacksonville, Fla., 493 cases of ice cream cones at New Orleans, La., and 50 cases of ice cream cones at Burlington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about December 15, 1942, to January 22, 1943, by the Maryland Baking Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Flavorized Flare Tops Drippless Cake Cones," "Duble Heder Ice Cream Cones," or "Torch Cup Cake Cones."

Between March 4 and April 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4733. Adulteration of ice cream cones. U. S. v. 10 Cans of Ice Cream Cones. Default decree of condemnation and destruction.** (F. D. C. No. 9257. Sample No. 28289-F.)

This product contained insect fragments, whole insect larvae, and rodent hair fragments.

On January 27, 1943, the United States attorney for the Middle District of Alabama filed a libel against 10 cans, each containing 333 ice cream cones, at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about April 30 and October 18, 1942, by the Purity Cone Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4734. Misbranding of graham crackers. U. S. v. 82 Cartons of Grahams. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 9224. Sample No. 6352-F.)

This product was short of the declared weight.

On January 20, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 82 cartons, each containing 6 packages, of graham crackers at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 9, 1942, by Thomas and Clarke, Inc., from Peoria, Ill.; and charging that it was misbranded in that the statement "Net Weight Two Pounds" was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Packages) "Evergood Graham \* \* \* Net Weight Two Pounds."

On February 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**MISCELLANEOUS CEREAL PRODUCTS**

**4735. Adulteration of egg noodles. U. S. v. Antonio J. Pereira and Joseph Rodrigues (Luso-American Macaroni Manufacturing Company). Pleas of guilty. Fines, \$100.** (F. D. C. No. 8835. Sample Nos. 19459-F, 19900-F.)

On April 30, 1943, the United States attorney for the District of Massachusetts filed an information against Antonio J. Pereira and Joseph Rodrigues, trading as co-partners under the firm name of Luso-American Macaroni Manufacturing Co. at Fall River, Mass., alleging shipment on or about October 5 and

November 21, 1942, from the State of Massachusetts into the State of Rhode Island of a quantity of egg noodles that were adulterated and misbranded.

The article was alleged to be adulterated (1) in that egg, a valuable constituent of egg noodles, had been in part omitted therefrom; and (2) in that noodles containing a smaller amount of egg than egg noodles should contain had been substituted for egg noodles. It was alleged to be misbranded (1) in that the statement: "Pure Egg Noodles" borne on the cases was false and misleading; and (2) in that it was not egg noodles, but had been offered for sale and sold under that name.

On May 18, 1943, pleas of guilty having been entered, the court imposed a fine of \$50 upon each defendant.

**4736. Adulteration of egg noodles. U. S. v. 150 Cases of Egg Noodles (and 2 additional seizure actions against egg noodles). Default decrees of condemnation and destruction.** (F. D. C. Nos. 9477, 9796, 9797. Sample Nos. 19136-F, 44362-F, 44363-F, 45067-F, 45068-F.)

This product contained insect fragments, rodent hair fragments, hair fragments resembling rodent hairs, and wood splinters.

On or about March 8 and April 19, 1943, the United States attorney for the District of New Jersey filed libels against 150 cases of egg noodles at Perth Amboy, N. J., 98 cases of egg noodles at Jersey City, N. J., and 35 cases of egg noodles at Bayonne, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 10 to March 23, 1943, by A. Zerega's Sons, Inc., Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Filigree Quality Egg Noodles \* \* \* Filigree Quality Foods, Inc. Jersey City, New Jersey Distributors"; "Flagstaff Pure Egg Noodles Distributors Greenspan Bros Co., Perth Amboy, N. J."; or "Fisher's Cream of the Crop Egg Noodles \* \* \* Packed by Fisher Milling Co. Bayonne, N. J."

On April 12 and June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**4737. Adulteration of noodles. U. S. v. 24 Cases and 47 Cases of Noodles. Default decree of condemnation and destruction.** (F. D. C. Nos. 9263, 9264. Sample Nos. 30840-F, 30841-F.)

On February 1, 1943, the United States attorney for the District of Oregon filed a libel against 71 50-pound cases of noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by the Majestic Food Products Co. (formerly Shanghai Noodle & Macaroni Mfg. Co.) from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, rodent-hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On March 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4738. Adulteration of rice. U. S. v. 45 Bags of Rice. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law.** (F. D. C. Nos. 8183, 8184. Sample Nos. 4039-F, 4040-F.)

This product had been stored under insanitary conditions after shipment and, when examined, was found to be weevil-infested. The bags were dirty and covered with weevils and rodent pellets, and showed rodent urine stains.

On August 22, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 18 100-pound bags and 27 25-pound bags of rice at Chattanooga, Tenn., alleging that it had been shipped within the period from on or about February 7 to May 4, 1942, from Dewitt and Carlisle, Ark., and that it was in the possession of the C. D. Kenny Co. at Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Fag Godchaux's Private Stock Rice," or "Smith Coated Rice."

On December 9, 1942, the C. D. Kenny Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.